

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SVETLANA LOKHOVA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:19-cv-000632-TSE-JFA
)	
STEFAN A. HALPER,)	
DOW JONES & COMPANY, INC.,)	
THE NEW YORK TIMES COMPANY,)	
WP COMPANY, LLC,)	
and NBCUNIVERSAL MEDIA, LLC,)	
)	
Defendants.)	
_____)	

**DEFENDANT NBCUNIVERSAL MEDIA, LLC'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant NBCUniversal Media, LLC (“NBCUniversal”), by and through undersigned counsel, hereby moves to dismiss the Complaint filed by Plaintiff Svetlana Lokhova (“Plaintiff”) Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff’s defamation claims against NBCUniversal are, in large part, barred by the relevant statute of limitations, and, to the extent Plaintiff’s claims are not time-barred, they should be dismissed for failure to state a claim because NBCUniversal cannot be held liable for the personal tweets of Malcolm Nance, an independent contractor of NBCUniversal, and because the tweets are not of and concerning Plaintiff and/or constitute non-actionable opinion. Furthermore, the Complaint fails to plead sufficient facts to show that the relevant tweets were published with knowledge of falsity or recklessness as to truth, so NBCUniversal is immune from civil liability for Plaintiff’s defamation and tortious interference claims pursuant to Section 8.01-223.2(A) of the Virginia Code. Plaintiff also fails to adequately plead facts to plausibly

establish either her tortious interference or her conspiracy claims. Accordingly, NBCUniversal respectfully requests that the Court dismiss the Complaint against it for failure to state a claim, and award NBCUniversal its reasonable attorneys' fees and costs under Section 8.01-223.2(B) of the Virginia Code. The grounds for NBCUniversal's Motion are more fully set forth in the Memorandum of Law filed contemporaneously with this Motion, which is in turn supported by the concurrently filed Declaration of Patrick J. Curran Jr., and the exhibits thereto.

MEET AND CONFER CERTIFICATION

Pursuant to Local Civil Rule 7(E), undersigned counsel hereby certifies that counsel Laura Handman met and conferred telephonically with counsel for Plaintiff Svetlana Lokhova telephonically prior to the filing of this Motion. Counsel for Plaintiff advised that he was unwilling to withdraw the Complaint or any of Plaintiff's claims.

DATED: August 8, 2019.

Respectfully submitted,

/s/ Patrick J. Curran Jr.

Patrick J. Curran Jr. (VA Bar No. 86144)

Laura Handman (admitted *pro hac vice*)

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Counsel for Defendant NBCUniversal Media, LLC

CERTIFICATE OF SERVICE

I, Patrick J. Curran Jr., certify that on August 8, 2019, I caused a copy of the foregoing to be served upon all parties via this Court's CM/ECF system.

/s/ Patrick J. Curran Jr.

Patrick J. Curran Jr.